

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

GODWIN BOATENG,

*Plaintiff,*

-against-

BMW AG, BMW OF NORTH AMERICA, LLC, and  
BMW MANUFACTURING COMPANY, LLC,

*Defendants.*

-----X

**MEMORANDUM AND ORDER**

17-CV-209 (KAM) (SIL)

**KIYO A. MATSUMOTO, United States District Judge:**

Before the Court is the BMW Defendants' Letter Motion to Stay Execution of Judgment. (ECF No. 193.) For the reasons set forth on the record at the status conference dated August 1, 2024, as well as the reasons set forth below, the Court finds that it is appropriate to stay execution of the judgment, provided Defendants deposit the Judgment amount (\$1,905,360) with the Court registry in an interest-bearing account. Accordingly, the Defendants are ordered to deposit the Judgment amount with the Court, and the funds shall be disbursed only upon order of this Court.

Under Fed. R. Civ. P. 62(a), "execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise." In addition, under Fed. R. Civ. P. 62(b), "a party may obtain a [further] stay by providing

a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security." The Court "may, in its discretion, waive the bond requirement if the [judgment-debtor] provides an acceptable alternative means of securing the judgment." *In re Nassau County Strip Search Cases*, 783 F.3d 414, 417 (2d Cir. 2015) (per curiam).

Considering the factors set forth in *Nassau County*, the Court concludes that all factors weigh in favor of staying the judgment based on the following: the BMW Defendants have demonstrated the existence of sufficient funds, which they will deposit in an interest-bearing account with the Court registry, and there is therefore no practical reason to require the BMW defendants to post any separate bond or security. Accordingly, the Court stays execution of the judgment during the pendency of the BMW Defendants' post-trial motions, and any subsequent appeals if either party should choose to appeal from this Court's decision on the post-trial motions.

As stated on the record during the August 1, 2024, hearing, the BMW Defendants agree to deposit a sum of money equivalent to the Judgment amount, and their application to deposit a sum of money with the Court as part of their application for a stay of the execution of judgment is **granted**.

Accordingly, it is **ORDERED** that Defendants shall deposit an amount equal to the Judgment entered in favor of Plaintiff on June 26, 2024 - one million, nine hundred and five thousand, three hundred and sixty dollars (\$1,905,360) - with the Clerk of Court no later than August 8, 2024; and it is further


**ORDERED** that those funds be deposited by the Clerk into an interest-bearing account as soon as the business of this office allows; and it is further

**ORDERED** that the sums so invested in the interest-bearing account shall remain on deposit until further order of this Court; and it is further

**ORDERED** that the Clerk shall deduct a fee for the handling of the funds consistent with that authorized by the Judicial Conference of the United States and as set by the Director of the Administrative Office; and it is further

**ORDERED** that a copy of this Order shall be served upon the Clerk of this Court, or upon the Financial Deputy Clerk.

Dated: August 1, 2024  
Brooklyn, New York



---

**HON. KIYO A. MATSUMOTO**  
United States District Judge  
Eastern District of New York